

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-17717 - APPLICANT/OWNER: STEWART/NELLIS PARTNERS, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (Z-0015-98), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 10/30/06, and the landscape plan and building elevations date stamped 10/24/06, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
13. Applicant shall provide revised site plans to reflect 2 additional loading spaces prior to issuance of building permits.

**Public Works**

14. Coordinate with the City of Las Vegas Engineering Division [Dave Bowers @ 229-6272] regarding what impact, if any, the Las Vegas Wash/Sandhill Sewer Rehabilitation and Nellis Boulevard Sewer projects will have on development of this site. Development of this site shall comply with the recommendations of the City Engineer.
15. Dedicate additional right-of-way necessary to complete the taper required for a bus turn out along Stewart Avenue on the southern edge of this site prior to the issuance of any permits. Also, dedicate the appropriate right-of-way adjacent to this site needed for the Las Vegas Wash Trail and grant a 15-foot wide Authorization to Enter Property (AEP) for the construction of the trail prior to the issuance of any permits.
16. Construct all incomplete half-street improvements on Stewart Avenue (sidewalk) adjacent to this site concurrent with development of this site.
17. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

18. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a.
19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
20. All pad sites within this overall site shall have perpetual common access to all driveways connecting this overall site to the abutting public streets.
21. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
24. Site development to comply with all applicable conditions of approval for Z-15-98 and all other applicable site related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for an 84, 245 square-foot Commercial Retail Center located on the northwest corner of Stewart Avenue and Nellis Boulevard. The site consists of three major tenants and shops with two smaller pads opposite the main shopping center.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
Month/date/year	Action
11/06/97	The Planning Commission voted to hold a request for Rezoning (Z-0096-97) from R-E (Residence Estates) to C-1 (Limited Commercial) in abeyance indefinitely.
05/11/98	The City Council approved a Rezoning and Site Development Plan Review (Z-0015-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 77,946 square-foot retail center and a 12,275 square-foot minor automotive repair facility.
03/21/01	The City Council approved a Site Development Plan Review [Z-0015-98(1)] for a proposed 55,250 square-foot grocery store (Food 4 Less), a 14,490 square-foot drug store (Walgreen's) and a 6,000 square-foot restaurant on the northwest corner of Stewart Avenue and Nellis Boulevard.
03/21/01	The City Council approved the request for a Special Use Permit (U-0002-01) for the sale of package liquor for off-premise consumption in conjunction with a proposed 55,250 square-foot grocery store (Food 4 Less).
12/07/06	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #4/mh).
7/22/04	Code Enf #18663: High weeds and vagrants. Case closed 10/12/04
3/30/05	Code Enf #28015: High weeds and vagrants. Case closed 5/13/05
6/06/05	Code Enf #30827: High weeds and vagrants. Case closed 6/8/04
7/26/05	Code Enf #32951: High weeds and vagrants. Case closed 10/12/04
5/02/06	Code Enf #40785: High weeds and vagrants. Case closed 10/12/04
1/23/04	Code Enf #9076: High weeds and vagrants. Case closed 10/12/04
<b><i>Related Building Permits/Business Licenses</i></b>	
NA	NA
<b><i>Pre-Application Meeting</i></b>	
10/13/06	A pre-application conference was held and the requirements for submittal were discussed. Off-site improvements and provision for a bus turn-out on Stewart Avenue were also discussed.
<b><i>Neighborhood Meeting</i></b>	
NA	A neighborhood meeting was not required nor was there one held.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	7.81 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial	GC (General Commercial)	C-2 (General Commercial)
South	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial	Clark County	Clark County
West	Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	NA
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>	X		Y
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

### **Trails:**

The subject property abuts the Las Vegas Wash along the western property line. A Multi-Use Transportation Trail is proposed along this section of the Wash.

### **INTERAGENCY ISSUES**

Pursuant to 1999 Statutes of Nevada, Chapter 481 the proposed project is deemed to be a “project of significant impact” for the following reasons:

- 1) A commercial or industrial facility generating more than 3,000 average daily vehicle trips.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received prior to the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08 the following standards apply.*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	NA	7.81 acres	NA
Min. Lot Width	100 feet	640 feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 feet 10 feet 15 feet 20 feet	20 feet 34 feet 90 feet 30 feet	Y Y Y Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	NA	40 feet	Y
Trash Enclosure	50 feet from SFR	50 feet	Y
Mech. Equipment	Screened from ROW	Mounted behind roof parapets	Y

*Review the following from Title 19.08.060*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	120 feet from SFR	162 feet	Y
Trash Enclosure	50 feet from SFR	275 feet	Y

*Pursuant to Title 19.12 the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ Per 6 Spaces	98	103 Trees	Y
Buffer: Min. Trees	1 Tree/Per 30 Linear Feet	71	93 Trees	Y
<b>TOTAL</b>		169 Trees	196 Trees	Y
Min. Zone Width	8 Feet		10 Feet	Y
	15 Feet		18 Feet	Y

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	84,245 sq ft	1:250 sq ft					
TOTAL			337	8	364	12	Y
Loading Spaces			4		2*		N

\*The site plans only show two loading zones where four are required. Revised plans will need to be provided showing the additional two loading zones.

## ANALYSIS

The site plan depicts an 84,245 square-foot shopping center with design standards that are compatible with adjacent development. The site is broken up into three separate pads with one pad acting as an anchor. No waivers have been submitted with this application.

The landscape plan depicts a fairly lush treatment with ample trees of the appropriate size and species for this site. The applicant has provided trees well in excess of the minimum required per Title 19.12 and there are multiple landscaped buffers that exceed the minimum standards as well.

The elevations and floor plans show a tasteful selection of building materials and interesting architectural features. The site layout consists of three buildings surrounding a landscaped parking area. The major retail portion (61,025 sq ft) contains the bulk of the 84,245 square footage total and is nestled into the rear northwest corner of the site. The remaining two pads (6,420 sq ft & 16,800 sq ft) are located opposite the primary retail building and are appropriately located adjacent to Nellis Boulevard on the southeastern portion of the site.

## FINDINGS

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

**In regard to “1”:**

The proposed retail center is compatible with the adjacent commercial development and development in the area. The intensity of the commercial use and the site layout will significantly contribute to the overall economic health of the surrounding area.

**In regard to “2”:**

The proposed retail center is located on land with the appropriate General Plan Category and Zoning to remain consistent with the General Plan and Title 19. The proposal does show a deficiency in adequate loading zones for the ancillary pads as shown on the site plan. Other than this issue, there is nothing else shown that contradicts the duly-adopted city plans, policies, or standards.

**In regard to “3”:**

The site access and circulation is not expected to have any negative impact on the adjacent roadways or neighborhood traffic. A Development Impact Notice Agreement (DINA) has been filed with the application so as to ensure adequate consideration to the traffic impact is taken into account.

**In regard to “4”:**

The building and landscape materials chosen for this project are tasteful and interesting and are expected to contribute to the visual appearance of the area and for the City. The selected tree species and shrubs are all appropriate for the area.

**In regard to “5”:**

Ample landscaping and interesting building elevations and massing will provide an aesthetic asset to the existing vacant lot. The overall site design creates an orderly and aesthetically pleasing environment that is harmonious and compatible with the local area.



**In regard to “6”:**

Appropriate measures are taken to secure and protect the public health, safety and general welfare.

**PLANNING COMMISSION ACTION**

Condition #15 was amended with the concurrence of Public Works staff.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 2

**ASSEMBLY DISTRICT** 14

**SENATE DISTRICT** 2

**NOTICES MAILED** 198 by Planning Dept

**APPROVALS** 0

**PROTESTS** 0